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NXP, B.V.  
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EXAMINER
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MENDOZA, JUNIOR O

ART UNIT	PAPER NUMBER
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2423

NOTIFICATION DATE	DELIVERY MODE
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09/17/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/537,890	<b>Applicant(s)</b> SOUNDARARAJAN, ARAVIND	
	<b>Examiner</b> JUNIOR O. MENDOZA	<b>Art Unit</b> 2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### **Response to Arguments**

1. Applicant's arguments filed 05/19/2009 have been fully considered but they are not persuasive.

Regarding **claim 1-31**, applicant argues that combination of McKissick in view of Danker is improper and that they fail to disclose "broadcasting text messages to a plurality of destination set top boxes".

*In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).*

*The examiner respectfully disagrees with the applicant. While McKissick does disclose a message server, i.e. message equipment 22, figures 1A and 3 clearly show that the message equipment 22 is located within television distribution facility 16, paragraph [0061]. Television content and messages received from users are distributed and relayed to recipient users from the same television distribution facility 16 using the same bidirectional communication path 24 (Figure 1A).*

*The message system of McKissick allows messages to be transmitted between users using their television equipment devices, where the system eliminates the need for additional communication paths physically separate from the path that*

*carry television signal broadcast channels for the transmission of messages, see paragraph [0013] and figure 1A. Hence, messages and television content are transmitted on the same medium.*

*It is obvious and well known in the art to implement a multiplexing scheme to broadcast different types of data on a single communication medium. Danker discloses the method of multiplexing and broadcasting messages to a plurality of set top box receivers, as disclosed on paragraphs [0006] [0014] [0016] and figure 1 (Also see rejection of independent claims). The method of Danker teaches that although the messages are broadcasted to everyone, only receivers intended to have access to the message can unencrypt and present the received message, paragraphs [0016] [0017] and figure 1.*

*Since McKissick implements a single communication medium to send messages and television content together, it is apparent that the method of Danker can be implemented to enhance the messages broadcasting system of McKissick, by multiplexing and broadcasting a message to all receivers in a network and allowing only intended users to be able to receive and present the message.*

*Therefore, it would have been obvious at the time of the invention to combine the teachings of McKissick and Danker to clearly disclose "broadcasting text messages to a plurality of destination set top boxes".*

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 – 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over McKissick et al. (Pub No US 2007/0124795) in view of Danker et al. (Pub No US 2003/0208777) further in view of Oshita (Patent No US 5,796,441). Hereinafter referenced McKissick, Danker and Oshita, respectively.

Regarding **claim 1**; McKissick discloses a method of communicating comprising:  
receiving a text message from a user of a source set top box (Paragraphs [0076] [0131] figs 3 and 19);

transmitting the text message from the source set top box to an exchange  
(Paragraph [0077] fig 3; message server 118);

wherein said text message includes an identifier of a destination set top box  
(Paragraphs [0094] [0095] figs 6B and 14),

wherein said text message includes an identifier of said source set top box  
(Paragraph [0130] fig 18),

and broadcasting said output transport stream to the destination set top box (Paragraph [0083]; the message may be provided as a digital data stream that accompanies other streams such as TV programs, i.e. video and audio).

However, it is noted that McKissick fails to explicitly disclose that a plurality of data packets include said text message, an identifier of said source set top box, an identifier of a destination set top box for the text message, forwarding said plurality of data packets to a multiplexor; multiplexing said plurality of data packets and audio data and video data into an output transport stream and broadcasting said output transport stream to a plurality of destination set top boxes, the plurality of destinations set top boxes including the destination set top box for the text message.

Nevertheless, in a similar field of endeavor Danker discloses that the plurality of data packets include said text message (Paragraphs [0003] [0011] [0016] fig 1),

an identifier of said source set top box (Paragraph [0032] also exhibited on figure 2, client identification),

an identifier of a destination set top box for the text message, (Paragraph [0012] also exhibited on figure 1);

forwarding said plurality of data packets to a multiplexor (Paragraphs [0014] [0015] figs 1 and 2);

multiplexing said plurality of data packets and audio data and video data into an output transport stream (Paragraphs [0014] [0015] figs 1 element 24);

and broadcasting said output transport stream to a plurality of destination set top boxes, the plurality of destinations set top boxes including the destination set top box for the text message (Paragraphs [0006] [0014] [0016] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Danker, for the purpose of allowing the transportation of the messages through the cable distribution infrastructure together with regular television programming, which avoids the need to include extra transmission mediums.

However, it is noted that McKissick and Danker still fail to explicitly disclose packetizing a message data into a plurality of data packets, and wherein said data packets include packet header information.

Nevertheless, in a similar field of endeavor Oshita discloses packetizing a message data into a plurality of data packets, and wherein said data packets include packet header information (Col. 1 lines 65-67, col. 2 lines 1-5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Danker by specifically providing the elements mentioned above, as taught by Oshita, for the purpose of implementing a component that bundles the data and formats it for delivery over the network, optimizing the media streams against packet loss.

Regarding **claim 2**; McKissick, Danker and Oshita disclose the method of claim 1; however, McKissick and Danker fail to explicitly disclose assigning a reserved program identifier to the data packets, and wherein the output transport stream is an MPEG-2 format.

Nevertheless, in a similar field of endeavor Oshita discloses assigning a reserved program identifier to the data packets, and wherein the output transport stream is an MPEG-2 (Col. 1 lines 62-67, col. 2 lines 1-5, col. 3 lines 7-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Danker by specifically providing the elements mentioned above, as taught by Oshita, for the purpose of allowing the packets to reach the right recipients implementing a well known video format.

Regarding **claim 3**; McKissick, Danker and Oshita disclose the method of claim 2; moreover, McKissick discloses receiving the broadcasted output transport stream at each of the destination set top box (Paragraphs [0063] [0127] fig 18).

However, it is noted that McKissick fails to explicitly disclose comparing the reserved program identifier to an identifier of each of the destination set top boxes; and responsive to the comparison, displaying the text message at each destination set top box having an identifier that matched the reserved program identifier.

Nevertheless, in a similar field of endeavor Danker discloses comparing the reserved program identifier to an identifier of each of the destination set top box (Paragraphs [0003] [0016] fig 1);



and responsive to the comparison, displaying the text message at each destination set top box having an identifier that matched the reserved program identifier (Paragraphs [0016] [0017] fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Danker, for the purpose of making sure that only the receivers allowed to received a message have access to it.

Regarding **claim 4**; McKissick, Danker and Oshita disclose the method of claim 2; however, McKissick fails to explicitly disclose the step of demultiplexing the data packets, audio data and video data from the transport stream.

Nevertheless, in a similar field of endeavor Danker discloses the step of demultiplexing the data packets, audio data and video data from the transport stream (Paragraphs [0016] [0017] [0025]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Danker, for the purpose of allowing users to retrieve the receive content locally.

Regarding **claim 5**; McKissick, Danker and Oshita disclose the method of claim 3; moreover, McKissick discloses receiving said broadcasted output transport stream at each of the destination set top box (Paragraph [0083] fig 3). Furthermore, Danker

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further supports receiving said broadcasted output transport stream at each of the destination set top box (Paragraphs [0006] [0014] fig 1).

Regarding **claim 6**; McKissick, Danker and Oshita disclose the method of claim 1; moreover, McKissick discloses that said transmitting is done via telephone or cable (Paragraph [0013] and [0051] also exhibited on fig 3).

Regarding **claim 7**; McKissick, Danker and Oshita disclose the method of claim 3; moreover, McKissick discloses that said broadcasting is done via satellite, cable, or wireless (Paragraph [0013] and [0051] also exhibited on fig 3; link 18 may be a satellite link, a cable link, a microwave link, or a telephone link).

Regarding **claim 8**; McKissick, Danker and Oshita disclose the method of claim 5; moreover, McKissick discloses that said receiving is done via satellite, cable, or wireless (Paragraph [0013] and [0051] also exhibited on fig 3; link 18 may be a satellite link, a cable link, a microwave link, or a telephone link).

Regarding **claim 9**; McKissick, Danker and Oshita disclose the method of claim 4; however, McKissick fails to explicitly disclose demultiplexing said broadcasted, output transport stream at each of the destination set top boxes into said text message.

Nevertheless, in a similar field of endeavor Danker discloses demultiplexing said broadcasted, output transport stream at each of the destination set top boxes into said text message (Paragraphs [0016] [0017] [0025]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Danker, for the purpose of allowing users to retrieve the receive content locally.

Regarding **claim 10**; McKissick discloses a method of communicating comprising: receiving a text message from a first source set top box (Paragraphs [0076] [0131] figs 3 and 19);

wherein said text message includes an identifier of a first destination set top box (Paragraphs [0094] [0095] figs 6B and 14),

wherein said text message includes an identifier of said first source set top box (Paragraph [0130] fig 18).

However, it is noted that McKissick fails to explicitly disclose that said plurality of data packets include said text message, an identifier of a first destination set top box for the text message, an identifier of said first source set top box; forwarding said plurality of data packets to multiplexor that produces a transport stream containing the data packets, audio data and video data; and broadcasting the transport stream to a plurality of destination set top boxes, the plurality of destination set top boxes including the first destination set top box.

Nevertheless, in a similar field of endeavor Danker discloses that the plurality of data packets include said text message (Paragraphs [0003] [0011] [0016] fig 1),

an identifier of a first destination set top box for the text message, (Paragraph [0012] also exhibited on figure 1);

an identifier of a first source set top box (Paragraph [0032] also exhibited on figure 2, client identification),

forwarding said plurality of data packets to a multiplexor that produces a transport stream containing the data packets, audio data and video data (Paragraphs [0014] [0015] figs 1 and 2);

and broadcasting the transport stream to a plurality of destination set top boxes, the plurality of destination set top boxes including the first destination set top box (Paragraphs [0006] [0014] [0016] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Danker, for the purpose of allowing the transportation of the messages through the cable distribution infrastructure together with regular television programming, which avoids the need to include extra transmission mediums.

However, it is noted that McKissick and Danker still fail to explicitly disclose packetizing a message data into a plurality of data packets, and wherein said data packets include packet header information.

Nevertheless, in a similar field of endeavor Oshita discloses packetizing a message data into a plurality of data packets, and wherein said data packets include packet header information (Col. 1 lines 65-67, col. 2 lines 1-5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Danker by specifically providing the elements mentioned above, as taught by Oshita, for the purpose of implementing a component that bundles the data and formats it for delivery over the network, optimizing the media streams against packet loss.

Regarding **claim 11**; McKissick, Danker and Oshita disclose the method of claim 10; moreover, McKissick discloses the step of receiving another text message from a second source set top box (Paragraphs [0128] [0129] figs 3 and 18);

wherein said text message includes an identifier of a second destination set top box (Paragraphs [0094] [0095] figs 6B and 14),

wherein said text message includes an identifier of said second source set top box (Paragraph [0130] fig 18).

However, it is noted that McKissick fails to explicitly disclose that said plurality of data packets include said text message from the second source set top box, an identifier of a second destination set top box for the text message, an identifier of said second source set top box; and wherein the plurality of destination set top boxes include the second destination set top box.

Nevertheless, in a similar field of endeavor Danker discloses that the plurality of data packets include said text message from the second source set top box (Paragraphs [0003] [0011] [0016] fig 1),

an identifier of a second destination set top box for the text message, (Paragraph [0012] also exhibited on figure 1);

an identifier of a second source set top box (Paragraph [0032] also exhibited on figure 2, client identification),

and wherein the plurality of destination set top boxes include the second destination set top box (Paragraphs [0006] [0014] [0016] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Danker, for the purpose of allowing the transportation of the messages through the cable distribution infrastructure together with regular television programming, which avoids the need to include extra transmission mediums.

Regarding **claim 12**; McKissick, Danker and Oshita disclose the method of claim 11; moreover, McKissick discloses that said receiving is via telephone (Paragraph [0013] and [0051] also exhibited on fig 3; link 18 may be a satellite link, a cable link, a microwave link, or a telephone link), and further comprising:

receiving the broadcasted transport stream at each of the destination set top boxes (Paragraph [0074] fig 2A).

However, it is noted that McKissick fails to explicitly disclose comparing the identifiers of the first and second destination set top boxes contained in the data packets to an identifier of each of the destination set top boxes that received the broadcasted output transport stream; responsive to the comparison, displaying the text message from the first source set top box at the destination set top box having an identifier that matches the identifier of the first destination set top box and displaying the text message from the second source set top box at the destination set top box having an identifier that matches the identifier of the second destination set top box.

Nevertheless, in a similar field of endeavor Danker discloses comparing the identifiers of the first and second destination set top boxes contained in the data packets to an identifier of each of the destination set top boxes that received the broadcasted output transport stream (Paragraphs [0016] [0017] fig 1; since a message is broadcasted to all the receivers in a network, a token uniquely identifies the one or more receiving client devices);

responsive to the comparison, displaying the text message from the first source set top box at the destination set top box having an identifier that matches the identifier of the first destination set top box and displaying the text message from the second source set top box at the destination set top box having an identifier that matches the identifier of the second destination set top box (Paragraphs [0016] [0017] fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Danker, for the purpose of allowing the transportation of

the messages through the cable distribution infrastructure together with regular television programming, which avoids the need to include extra transmission mediums.

Regarding **claim 13**, McKissick, Danker and Oshita disclose all the limitations of claim 13; therefore, claim 13 is rejected for the same reasons as in claim 8.

Regarding **claim 14**, McKissick discloses a method of communicating comprising: receiving a plurality of text message, wherein said plurality of text messages originated at a plurality of source set top boxes (Paragraphs [0076] [0131] figs 3 and 19);

wherein said text message includes an identifier of an intended destination set top box for each of the text messages (Paragraphs [0094] [0095] figs 6B and 14),

wherein said text message includes an identifier of the source set top box for each of the text messages (Paragraph [0130] fig 18),

and broadcasting said output transport stream (Paragraph [0083]; the message may be provided as a digital data stream that accompanies other streams such as TV programs, i.e. video and audio).

However, it is noted that McKissick fails to explicitly disclose that the plurality of data packets include the text messages, an identifier of an intended destination set top box for each of the text messages, an identifier of the source set top box for each of the text messages; multiplexing said plurality of data packets, audio data and video data



into an output transport stream; and broadcasting said output transport stream to a plurality of destination set top boxes, the plurality of destinations set top boxes including the intended destination set top box for each of the text messages.

Nevertheless, in a similar field of endeavor Danker discloses that the plurality of data packets include the text messages (Paragraphs [0003] [0011] [0016] fig 1),

an identifier of an intended destination set top box for each of the text messages (Paragraph [0032] also exhibited on figure 2, client identification),

an identifier of the source set top box for each of the text messages (Paragraph [0012] also exhibited on figure 1);

multiplexing said plurality of data packets, audio data and video data into an output transport stream (Paragraphs [0003] [0011] [0015] [0016] fig 1)

and broadcasting said output transport stream to a plurality of destination set top boxes, the plurality of destinations set top boxes including the intended destination set top box for each of the text messages (Paragraphs [0006] [0014] [0016] on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Danker, for the purpose of allowing the transportation of the messages through the cable distribution infrastructure together with regular television programming, which avoids the need to include extra transmission mediums.

However, it is noted that McKissick and Danker still fail to explicitly disclose packetizing a message data into a plurality of data packets.

Nevertheless, in a similar field of endeavor Oshita discloses packetizing a message data into a plurality of data packets (Col. 1 lines 65-67, col. 2 lines 1-5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Danker by specifically providing the elements mentioned above, as taught by Oshita, for the purpose of implementing a component that bundles the data and formats it for delivery over the network, optimizing the media streams against packet loss.

Regarding **claim 15**; McKissick, Danker and Oshita disclose the method of claim 14; moreover, McKissick discloses that said plurality of text messages are received via telephone or cable (Paragraph [0013] and [0051] also exhibited on fig 3; link 18 may be a satellite link, a cable link, a microwave link, or a telephone link).

However, it is noted that McKissick fails to explicitly disclose that the output transport stream is an MPEG-2 format.

Nevertheless, in a similar field of endeavor Oshita discloses that the output transport stream is an MPEG-2 format (Col. 1 lines 62-67, col. 3 lines 7-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Danker by specifically providing the elements mentioned above, as taught by Oshita, for the purpose of allowing the packets to reach the right recipients implementing a well known video format.

Regarding **claims 16 and 17**, McKissick, Danker and Oshita disclose all the limitations of claims 16 and 17; therefore, claims 16 and 17 are rejected for the same reasons as in claims 7 and 9, respectively.

Regarding **claim 18**; McKissick, Danker and Oshita disclose the method of claim 14; moreover, McKissick discloses receiving the broadcasted output transport stream at each of the destination set top boxes (Paragraphs [0076] [0131] figs 3 and 19);

However, it is noted that McKissick fails to explicitly disclose comparing the identifiers of the intended destination set top boxes contained in the received output stream to an identifier of the destination set top boxes; and displaying each of the text messages at the destination set top box having an identifier that matches the identifier of the intended destination set top box for the text message.

Nevertheless, in a similar field of endeavor Danker discloses comparing the identifiers of the intended destination set top boxes contained in the received output stream to an identifier of the destination set top boxes (Paragraphs [0016] [0017] fig 1; since a message is broadcasted to all the receivers in a network, a token uniquely identifies the one or more receiving client devices);

and displaying each of the text messages at the destination set top box having an identifier that matches the identifier of the intended destination set top box for the text message (Paragraphs [0016] [0017] fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Danker, for the purpose of allowing the transportation of

the messages through the cable distribution infrastructure together with regular television programming, which avoids the need to include extra transmission mediums.

Regarding **claim 19**, McKissick, Danker and Oshita disclose all the limitations of claim 19; therefore, claim 19 is rejected for the same reasons as in claim 15.

Regarding **claim 20**, McKissick discloses a system for communicating comprising: a service station adapted to receive a plurality of text messages sent from a plurality of source set top boxes (Paragraphs [0076] [0077] fig 3; message server 118),

wherein said text message includes an identifier of an intended destination set top box for each of the text messages (Paragraphs [0094] [0095] figs 6B and 14),

wherein said text message includes an identifier of the source set top box for each of the text messages (Paragraph [0130] fig 18),

and broadcasting means for broadcasting said output transport stream to a plurality of destination set top boxes (Paragraph [0083]; the message may be provided as a digital data stream that accompanies other streams such as TV programs, i.e. video and audio).

However, it is noted that McKissick fails to explicitly disclose that the plurality of data packets include the text messages, an identifier of an intended destination set top box for each of the text messages, an identifier of the source set top box for each of the text messages; a multiplexor in communication with said service station adapted to multiplex said plurality of data packets, audio data and video data into an output

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transport stream; and broadcasting said output transport stream to a plurality of destination set top boxes, the plurality of destinations set top boxes including the intended destination set top box for each of the text messages.

Nevertheless, in a similar field of endeavor Danker discloses that the plurality of data packets include the text messages (Paragraphs [0003] [0011] [0016] fig 1),

an identifier of an intended destination set top box for each of the text messages (Paragraph [0032] also exhibited on figure 2, client identification),

an identifier of the source set top box for each of the text messages (Paragraph [0012] also exhibited on figure 1);

a multiplexor in communication with said service station adapted to multiplex said plurality of data packets, audio data and video data into an output transport stream (Paragraphs [0003] [0011] [0015] [0016] fig 1)

and broadcasting said output transport stream to a plurality of destination set top boxes, the plurality of destinations set top boxes including the intended destination set top box for each of the text messages (Paragraphs [0006] [0014] [0016] on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Danker, for the purpose of allowing the transportation of the messages through the cable distribution infrastructure together with regular television programming, which avoids the need to include extra transmission mediums.

However, it is noted that McKissick and Danker still fail to explicitly disclose packetizing a message data into a plurality of data packets.

Nevertheless, in a similar field of endeavor Oshita discloses packetizing a message data into a plurality of data packets (Col. 1 lines 65-67, col. 2 lines 1-5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Danker by specifically providing the elements mentioned above, as taught by Oshita, for the purpose of implementing a component that bundles the data and formats it for delivery over the network, optimizing the media streams against packet loss.

Regarding **claim 21**; McKissick, Danker and Oshita disclose the method of claim 20; moreover, McKissick discloses that said broadcasting means is a satellite (Paragraph [0013] and [0051] also exhibited on fig 3; link 18 may be a satellite link, a cable link, a microwave link, or a telephone link).

However, it is noted that McKissick fails to explicitly disclose that the output transport stream is an MPEG-2 format.

Nevertheless, in a similar field of endeavor Oshita discloses that the output transport stream is an MPEG-2 format (Col. 1 lines 62-67, col. 3 lines 7-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Danker by specifically providing the elements mentioned above, as taught by Oshita, for the purpose of allowing the packets to reach the right recipients implementing a well known video format.

Regarding **claims 22 and 23**, McKissick, Danker and Oshita disclose all the limitations of claims 22 and 23; therefore, claims 22 and 23 are rejected for the same reasons as in claim 7.

Regarding **claim 24**; McKissick, Danker and Oshita disclose the method of claim 20; moreover, McKissick discloses that said plurality of text messages received by said service station sent from said plurality of source set top boxes are received via telephone or cable (Paragraph [0013] and [0051] also exhibited on fig 3).

Regarding **claim 25**; McKissick, Danker and Oshita disclose the method of claim 20; moreover, McKissick discloses a source set top box connected via communication means with said service station (Paragraph [0013] [0051] also exhibited on fig 3).

Regarding **claims 26, 27 and 28**, McKissick, Danker and Oshita disclose all the limitations of claims 26, 27 and 28; therefore, claims 26, 27 and 28 are rejected for the same reasons as in claims 6, 7 and 8, respectively.

Regarding **claims 29, 30 and 31**, McKissick, Danker and Oshita disclose all the limitations of claims 29, 30 and 31; therefore, claims 29, 30 and 31 are rejected for the same reasons as in claims 14, 15 and 16, respectively.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Junior O Mendoza  
Examiner  
Art Unit 2423

/J. O. M./  
September 11, 2009

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2423